

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**BRITT MARQUIS LACEY,**

**Defendant.**

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**Case No. 17-CR-30048-SMY-1**

**ORDER**

Defendant Britt Marquis Lacey pled guilty on June 14, 2017 to unlawful possession of a firearm by a previously convicted felon in violation of 18 U.S.C. § 922(g)(1). He was sentenced to 115 months' incarceration and 3 years of supervised release. The Court also imposed a \$100 special assessment and a \$750 fine. Pending before the Court is Lacey's Second Motion to Suspend Fine (Doc. 72) and supplement (Doc. 73) in which he requests that his fine be suspended or delayed until he is released from prison on October 13, 2026.

Pursuant to the Judgment entered in this case, payment of the fine was due immediately and Lacey is required to pay \$50 per month or 10% of his monthly income, whichever is greater. In imposing the schedule of payment, the Court found that Lacey had the ability to pay. Lacey asserts that he is not able to pay the fine at this time because he is indigent but that he will be able to pay 2-3 months after his release. He represents that he receives \$20.00 a month in gifts and has attached his certified Trust Fund Account Statement showing that his average 6-month balance is \$10.15 and that as of August 1, 2019, he had a balance of \$0.70.

This Court has only limited authority to modify sentences once they are imposed. *United States v. Goode*, 342 F.3d 741, 743 (7th Cir. 2003). 18 U.S.C. § 3772(d)(3) provides that upon

receipt of a notice that Defendant's changed circumstances affects his ability to pay a fine, the Court may "adjust the payment schedule . . . ." As set forth in this Court's previous Order (Doc. 71), Lacey has made no showing of a material change in his economic circumstances. In fact, it appears he receives monthly gifts which can be used to pay the fine imposed. As such, Lacey's Second Motion to Suspend Fine is **DENIED** (Doc. 72).

**IT IS SO ORDERED.**

**DATED: November 19, 2019**



**STACI M. YANDLE**  
**United States District Judge**